

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 MARSHALL DIVISION
4 PLASTRONICS SOCKET) (
5 PARTNERS, LTD., AND) (CIVIL ACTION NO.
6 PLASTRONICS H-PIN, LTD.,) (2:18-CV-14-JRG-RSP
7 PLAINTIFFS,) (
8 VS.) (MARSHALL, TEXAS
9) (
10 DONG WEON HWANG, AND) (JULY 12, 2019
11 HICON CO. LTD.,) (9:06 A.M.
12 DEFENDANTS.) (

13 TRIAL TRANSCRIPT OF JURY TRIAL
14 BEFORE THE HONORABLE JUDGE RODNEY GILSTRAP
15 UNITED STATES CHIEF DISTRICT JUDGE

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17 Mr. Antonio Devora
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 Official Reporter
22 United States District Court
 Eastern District of Texas
23 Marshall Division
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25 (Proceedings recorded by mechanical stenography, transcript
produced on a CAT system.)

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1 P R O C E E D I N G S

2 (Jury out.)

3 COURT SECURITY OFFICER: All rise.

4 THE COURT: Be seated, please.

5 Counsel, I've been advised by the Court Security
6 Officer that the jury has reached a verdict. I'm about to
7 bring the jury in and receive their verdict and then poll
8 the jury to make sure it's the unanimous verdict of all
9 eight members of the jury.

10 I want to remind everyone present that there are
11 to be no overt reactions, no matter what the verdict is one
12 way or the other. I expect everyone to be professional,
13 composed, and non-expressive.

14 After I've received the verdict and accepted it
15 and polled the jury to confirm its unanimous nature, it is
16 my practice to ask the jury to allow me to meet them in the
17 jury and thank them personally for their service, which I
18 will do.

19 I also traditionally will give the jury cell phone
20 numbers for each of the two trial teams and advise them if
21 they wish to contact either side to discuss their jury
22 service, that I know both sides, regardless of the outcome,
23 would be interested to hear from them. It will be their
24 decision as to whether to make those phone calls or not,
25 but I will give them the numbers that you have furnished to

1 me for that purpose.

2 All right. Are there any questions from either
3 side before I bring in the jury?

4 Anything from the Plaintiff?

5 MR. DALTON: No, Your Honor.

6 THE COURT: Anything from the Defendants?

7 MR. EMERSON: No, sir.

8 THE COURT: All right. Please bring in the jury,
9 Mr. Johnston.

10 (Jury in.)

11 THE COURT: Please be seated.

12 Ms. Collins, I understand that you're the
13 foreperson of the jury; is that correct?

14 THE FOREPERSON: Yes.

15 THE COURT: Has the jury reached a verdict?

16 THE FOREPERSON: Yes.

17 THE COURT: All right. In that case, will you
18 hand the signed and dated verdict form to the Court
19 Security Officer who will bring it to me?

20 All right. Ladies and gentlemen of the jury, I'm
21 going to announce the verdict into the record at this time,
22 and I'm going to ask all eight members of the jury to
23 listen particularly carefully, because after I've announced
24 the verdict into the record, I'm going to ask each of you
25 if this is your verdict so that we can poll the jury and

1 confirm on the record that these answers and this verdict
2 are unanimous for all eight of you.

3 Turning to Question 1 in the verdict form.

4 Did Plastronics H-Pin prove by a preponderance of
5 the evidence that HiCon Limited directly infringed or
6 induced infringement of Claim 1 of the '602 patent?

7 The jury's answer is no.

8 Question 2: Since Question 1 was answered no,
9 Question 2 has been left blank. That is what the Court's
10 instruction in the verdict form requires.

11 Question 3 also is left blank because the answer
12 to Question 1 was no. That comports with the Court's
13 instructions.

14 Turning then to Question 4: Did Mr. Hwang prove
15 by a preponderance of the evidence that Plastronics H-Pin
16 breached the Assignment Agreement?

17 There, the jury's answer is no.

18 Question 5 is left blank, which is in compliance
19 with the Court's instructions since the question -- since
20 Question 4 was answered no.

21 That brings us to Question 6: Did Mr. Hwang prove
22 by a preponderance of the evidence that Plastronics H-Pin
23 breached the Royalty Agreement?

24 There the jury's answer is yes.

25 Turning to Question 7, since the jury answered

1 Question 6 yes, the jury proceeded to -- to answer Question
2 7.

3 Question 7 is what sum of money if paid today in
4 cash would fairly and reasonably compensate Mr. Hwang for
5 his damages, if any, that resulted from Plastronics H-Pin's
6 breach of the Royalty Agreement?

7 The jury's answer in United States dollars is
8 \$1,361,860.00. \$1,361,860.00.

9 Turning then to Question 8: Did Plastronics H-Pin
10 prove by a preponderance of the evidence that Mr. Hwang
11 breached the Royalty Agreement?

12 The jury's answer is yes.

13 Turning to Question 9: Did Mr. Hwang prove by a
14 preponderance of the evidence that Plastronics fraudulently
15 induced Mr. Hwang into entering into the Royalty Agreement?

16 The jury's answer is no.

17 Question 10 requires an answer if the jury
18 answered yes to Question 8, which they did, so turning to
19 Question 10: What sum of money if paid today in cash would
20 fairly and reasonably compensate Plastronics H-Pin for its
21 damages, if any, that resulted from Mr. Hwang's breach of
22 the Royalty Agreement?

23 The jury's answer, again, in United States dollars
24 is \$622,606.00. \$622,606.00.

25 Turning to Question 11: Did Plastronics H-Pin

1 prove by a preponderance of the evidence that Mr. Hwang
2 breached the Assignment Agreement?

3 The jury's answer is no.

4 Question 12 is prefaced by an instruction that
5 requires the jury to have answered yes to both Question 4
6 and Question 11 before they proceed to answer Question 12.
7 They did not answer yes to both of those questions, and
8 they properly left Question 12 blank and did not answer it.

9 Turning next to Question 13: Did Mr. Hwang prove
10 by a preponderance of the evidence that Plastronics
11 fraudulently induced Mr. Hwang into entering into the
12 Assignment Agreement?

13 The jury's answer is no.

14 Question 14 is prefaced upon the jury having
15 answered yes to Question 11. The jury answered no to
16 Question 11, and accordingly, Question 14 is left blank,
17 and properly so.

18 Next is Question 15: Did Plastronics Socket prove
19 by a preponderance of the evidence that HiCon Limited
20 tortiously interfered with one or more of Plastronics
21 Socket's prospective business relationships?

22 The jury's answer is no.

23 Question 16 requires before it is answered that
24 the jury have answered yes to Question 15. Having answered
25 no to Question 15, the jury did not answer Question 16, and

1 properly so.

2 Question 17, again, is prefaced by a yes answer to
3 Question 15. The jury answered no to Question 15, and
4 accordingly, Question 17 has not been answered, and
5 properly so.

6 Question 18, likewise, is prefaced upon a yes
7 answer to Question 15. The jury having answered Question
8 15 no, the jury did not answer Question 18, and properly
9 so.

10 Question 19 is prefaced upon a yes answer to
11 Question 18. Since the jury did not answer Question 18, it
12 did not answer Question 19, and properly so.

13 Question 20 is based upon a yes answer to Question
14 16, and the jury did not answer Question 16. Accordingly,
15 Question 20 is left blank and not -- and was not answered,
16 and properly so.

17 Question 21 requires a yes answer to Question 20
18 before it should be answered. Question 20 was properly not
19 answered, therefore, Question 21 was not answered by the
20 jury, and properly so.

21 That brings the verdict to its final page, and the
22 Court finds that it has been signed by Ms. Tina M. Collins,
23 as foreperson of the jury, and is dated today's date, July
24 the 12th, 2019.

25 Ladies and gentlemen of the jury, at this time,

1 let me poll you to make sure that this verdict and the
2 answers that I've read represent the complete and unanimous
3 decision of all eight members of the jury.

4 If this is your verdict as I have read it, would
5 you please stand at this time?

6 (Jury polled.)

7 THE COURT: Thank you. Please be seated.

8 Let the record reflect that in response to the
9 Court's question to poll the jury as to the unanimous
10 nature of its answers to the questions in the verdict form,
11 all eight members of the jury immediately stood -- rose and
12 stood in response to the Court's question.

13 The Court finds that this verdict is the unanimous
14 decision of the eight members of the jury in this case.
15 The Court accepts the verdict. And the Court will now
16 deliver the original verdict to the courtroom deputy to be
17 included in the documents on file in this cause.

18 Ladies and gentlemen, this now completes the trial
19 of this case. From the very beginning, before you were
20 selected as jurors, I began instructing you as a part of
21 the panel, and I have instructed you repeatedly throughout
22 your service in this case not to discuss this case with
23 anyone.

24 I'm now releasing you from that instruction and
25 all my earlier instructions, and I'm discharging you as

1 members of this jury. That means, ladies and gentlemen,
2 that you're free to talk about your service in this case as
3 jurors with anyone that you'd like to, to any extent that
4 you'd like to, and by the same token, you are also free not
5 to talk about your service as jurors with anyone of your
6 choosing to any extent.

7 Said another way, that issue is totally and 100
8 percent up to each of you individually.

9 I will tell you that the custom and the practice
10 in this court, because I lived with -- as a practicing
11 lawyer with it for 30 years, is that the members of the
12 trial teams and the parties cannot approach you and
13 initiate a conversation about this case and how they
14 performed and any of the questions that they would like to
15 ask. They're not allowed to initiate a conversation with
16 you.

17 But you can initiate a conversation with them, if
18 you like. That's the practice here.

19 Consequently, what that's always meant for the
20 last 30 years, because I used to do it myself, is I
21 guarantee you when you leave the building, since there's
22 one way in and one way out, they'll be standing on the
23 sidewalk at the bottom of the steps out front hoping that
24 you'll stop and talk to them.

25 If you'd like to stop and talk to them, I promise

1 you, they'd be interested to hear from you, and they'll
2 have questions they want to ask to get your feedback. If
3 you prefer not to talk to them, no one's going to initiate
4 a conversation with you, no one is going to stop you, no
5 one's going to try to force you to talk. Simply smile and
6 walk right by. It is 100 percent totally up to you.

7 Also, ladies and gentlemen, there's a new addition
8 to this custom that I've started doing since I've been on
9 the bench. I've asked each side to give me two cell phone
10 numbers for two of the lawyers on each side. I have those
11 cell phone numbers with me, and I'm going to give them to
12 you.

13 And if tomorrow, next week, next month, anytime in
14 the future the urge strikes you to talk with one or more
15 than one of those people with those cell phone numbers,
16 pick up your phone and call them. I guarantee you they'll
17 be interested to talk to you. But, again, you have to
18 initiate any such conversation.

19 And if you'd prefer not to talk with anybody,
20 simply don't make any phone calls. But I'll have those
21 numbers for you in just a moment.

22 Also, ladies and gentlemen, I cannot stress enough
23 how much the Court appreciates your service as jurors in
24 this case. I know that each of you made significant
25 sacrifices in your own personal lives to be here and to

1 serve and to set aside all the many responsibilities and
2 obligations that each of you had to be a part of this trial
3 and to uphold the Seventh Amendment and the other
4 constitutional guarantees that all these parties, all these
5 lawyers, everyone in this courtroom has under our American
6 Constitution. You have rendered very real and important
7 public service, and that is no small thing.

8 Quite honestly, ladies and gentlemen, this Court
9 as an institution provided for under Article III of the
10 Constitution could not function -- literally, we could not
11 function if citizens like you did not respond appropriately
12 and appear and sacrifice to serve as jurors as you have in
13 this case.

14 Consequently, I think that this service that
15 you've each rendered warrants more than a few words from me
16 at the bench. And I'd like to ask a personal favor of you,
17 and I do this in each jury trial when I've received a
18 verdict and accepted it.

19 I'd like you in a moment to meet me in the jury
20 room and let me come into the jury room. I'd like to shake
21 each one of your hands. I'd like to tell you face-to-face
22 how much the Court appreciates your service. I promise you
23 it won't take long. I know that you've been here most of
24 this week, all of this week, in fact, and I know you have
25 other things you need to do, and I will not keep you. But

1 if you'd afford me that honor and privilege, I'd very much
2 like to come thank you in person before you leave.

3 With that, ladies and gentlemen, having discharged
4 you as jurors, if you would afford me the privilege I've
5 requested, I'll meet you in the jury room in just a few
6 moments.

7 The jury is excused to the jury room.

8 COURT SECURITY OFFICER: All rise.

9 (Jury out.)

10 THE COURT: As noted, counsel, the Court has
11 accepted the jury's verdict. That completes the trial of
12 this case. You are excused.

13 (Court adjourned.)

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CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct transcript from the stenographic notes of the proceedings in the above-entitled matter to the best of my ability.

/S/ Shelly Holmes
SHELLY HOLMES, CSR, TCRR
OFFICIAL REPORTER
State of Texas No.: 7804
Expiration Date: 12/31/20

7/12/19
Date